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12 Attorneys for Respondents

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 MICHAEL L. SMITH,

16 Petitioner,

17 vs.

18 RENEE BAKER, et al.,

19 Respondents.

20 Case No. 3:13-cv-00246-RCJ-WGC

21 **ORDER GRANTING**

22 **UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE RESPONSE TO SECOND
AMENDED PETITION FOR WRIT OF
HABEAS CORPUS (ECF NO. 44)**

23 **(THIRD REQUEST)**

24 Respondents move this Court for a 60-day enlargement of time, up to and including March 8,
25 2019, within which to file a Response to Petitioner's Second Amended Petition for Writ of Habeas
26 Corpus (ECF No. 44).

27 This is the third enlargement of time sought by Respondents and is brought in good faith and not
28 for the purpose of delay.

29 Respectfully submitted: December 19, 2018.

30 ADAM PAUL LAXALT
31 Attorney General

32 By: /s/ Heidi Parry Stern
33 Heidi Parry Stern (Bar. No. 8873)
34 Chief Deputy Attorney General

DECLARATION OF HEIDI PARRY STERN

STATE OF NEVADA)
COUNTY OF CLARK) ss:

I, HEIDI PARRY STERN, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in the State of Nevada; qualified and admitted to practice before this Court; employed as a Chief Deputy Attorney General in the Office of the Nevada Attorney General; and pursuant to this employment, I have been assigned to represent Respondents in *Michael L. Smith v. Renee Baker, et al.*, Case No. 3:13-cv-00246-RCJ-WGC, and as such, have personal knowledge of the matters contained herein;

2. This extension is necessary as our office has been short staffed over the past few months due to the retirement of one of the attorneys in our unit and the difficulty in finding a replacement for him. As such, my caseload (particularly of death penalty cases) has been substantially higher than normal during this timeframe.

3. In addition, I will be out of the country on a prearranged family trip on the designated due date of January 7, 2019, and will be unable to file the response at that time.

4. Respondents request 60 days to file a response, up to and including March 8, 2019.

5. I have contacted opposing counsel, and she has no objection to this request for extension.

6. This is Respondents' third motion for enlargement of time to respond to Petitioner's Second Amended Petition for Habeas Corpus.

7. This motion for enlargement of time is made in good faith and not for the purpose of delay.

DATED this 18th day of December, 2018.

/s/ Heidi Parry Stern
Heidi Parry Stern (Bar. No. 8873)
Chief Deputy Attorney General

IT IS SO ORDERED this 13th day of February, 2019.

ROBERT C. JONES